

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*¹,
Debtors.

GEORGE MILLER, Chapter 7 Trustee of the
bankruptcy estates of Akorn Holding Company
LLC, *et al.*,

Plaintiffs,

vs.

MCKESSON CORPORATION; MCKESSON
SPECIALTY CARE DISTRIBUTION LLC;
and MCKESSON MEDICAL-SURGICAL,
INC.,

Defendants.

Chapter 7

Case No. 23-10253 (KBO)

(Jointly Administered)

Adv. Proc. No. 24-50042 (KBO)

**CERTIFICATION OF COUNSEL REGARDING PROPOSED
SCHEDULING ORDER**

The undersigned counsel to Defendants: McKesson Corporation, McKesson Specialty Care Distribution LLC, and McKesson Medical-Surgical, Inc.

(“McKesson”), hereby certifies that:

¹ The Debtors in these Chapter 7 Cases, along with the last four digits of each Debtor’s federal tax identification number, are: Akorn Holding Company LLC (9190); Akorn Intermediate Company LLC (6123) and Akorn Operating Company LLC (6184). The Debtors’ headquarters was located at 5605 CenterPoint Court, Gurnee, Illinois 60031.

1. Plaintiff filed its complaint against Defendants on April 15, 2024 (the “Complaint”) [Adv. Docket No. 1] in the United States Bankruptcy Court for the District of Delaware (the “Court”).

2. Defendants filed its Motion to Dismiss and accompanying Memorandum of Law [Adv. Docket Nos. 19 and 20] on June 4, 2024.

3. In accordance with Local Rule 7016-1, beginning on or about May 29, 2024, counsel for the Plaintiff and Defendants conferred regarding Plaintiff’s proposed form of scheduling order, but ultimately could not agree. It was agreed that the parties would submit competing scheduling orders to the Court. However the parties continue to confer.

4. Accordingly, the Defendants attach its proposed scheduling order (the “Defendants’ Scheduling Order”) as Exhibit “A”. Given the context of the present litigation, the Defendants’ Scheduling Order provides the Parties with the appropriate time to conduct discovery and is consistent with scheduling orders submitted to and required by this Court. As such, to promote the efficient and expeditious disposition of this adversary proceeding, Defendants respectfully requests that the Court enter the Defendants’ Scheduling Order.

5. Plaintiff does not consent to the Defendants’ Scheduling Order and submitted their own at Adv. Docket No. 21.

DATED: June 4, 2024

THE POWELL FIRM, LLC

By: /s/ Jason C. Powell (No. 3768)

JASON C. POWELL (NO. 3768)

1813 N. Franklin Street

P.O. Box 289

Wilmington, DE 19899

Telephone: 302-650-1572

Email: jpowell@delawarefirm.com

and

JEFFREY K. GARFINKLE

(Cal. SBN: 153496; *admitted Pro Hac Vice*)

STEVEN H. WINICK

(Cal. SBA: 160815; *admitted Pro Hac Vice*)

BUCHALTER, a Professional Corporation

18400 Von Karman Avenue, Suite 800

Irvine, CA 92612-0514

Telephone: 949-760-1121

Email: jgarfinkle@buchalter.com

swinick@buchalter.com

Attorneys for Defendants

MCKESSON CORPORATION; MCKESSON
SPECIALTY CARE DISTRIBUTION LLC; and
MCKESSON MEDICAL-SURGICAL, INC.